IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 921 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

Mrs.M.H.Mhatre, A.P.P. for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the State impugning a judgment and order passed by the Special Judge, Gadhinglaj on 28/04/2004 acquitting the accused for offences punishable under section 3(1)(x) of Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities) Act, 1989 and under sections 143, 323, 452, 506 read with Section 149 of the Indian Penal Code. On perusing the impugned judgment and order, it

appears that the same has been passed on cogent and acceptable reasons. P.W.1-Krishnabai who is the complainant was residing alongwith her husband in the house situated in the land belonging to her brother Baban Santu Aardalkar. This Baban is maternal uncle of P.W.5-Shivaji who happened to be village Patil. P.W.5-Shivaji was also a power of attorney holder of Baban and managing the landed property. There is enmity between Baban and the accused and the accused had filed Civil Suit No.4 of 99 against the owner of the land. P.W.5-Police Patil was, therefore, enmical with the accused persons. There was also a complaint under section 145 of the Cr.P.C. which is pending before the Executive Magistrate, Azra. So far as the insulting words are concerned, the Court states that

there is no specification as to which of the accused uttered those words. P.W.2-Ranjana and P.W.3-Ganpati also spoke about the insulting words only when they were asked about them by asking leading questions by A.P.P.

2. In the circumstances, view taken is a possible view. Hence, leave is refused and consequently, the Appeal stands dismissed.

(R.S.Mohite, J.)